IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	8	
v.	§	CASE NO. 7:19-cv-403
	§	
FISHER INDUSTRIES, FISHER SAND	§	
AND GRAVEL CO.,	§	
TGR CONSTRUTION, INC. AND	§	
NEUHAUS & SONS, LLC,	§	
	§	
Defendants.	§	

PLAINTIFF'S AMENDED MOTION FOR EXPERT TO APPEAR TELEPHONICALLY

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now counsel for Plaintiff United States of America and respectfully requests that its expert, be allowed to participate telephonically or via video teleconference in the Hearing set for January 9, 2020 (Temporary Restraining Order/Preliminary Injunction Hearing).

Background

On January 3, 2020, a hearing was held in the above referenced matter regarding a Temporary Restraining Order and Preliminary Injunction. It was discussed amongst the parties that witnesses for Plaintiff and Defendants, would be allowed to appear telephonically.

Counsel for Plaintiff was instructed to submit a motion to the court so that its witnesses, Dr. Padinare Unnikrishna (Supervisory Civil Engineer, Engineering Services Division, United States International Boundary and Water Commission) would be able to call in or appear via video conference to offer testimony for the hearing set for January 9, 2020.

Request Relief

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Plaintiff's Motion for Expert to Appear Telephonically

Counsel for Plaintiff files this motion as instructed by the court, and respectfully requests that the Court allow witnesses Dr. Padinare Unnikrishna, to call in or appear by video conference to give testimony at the hearing set for January 9, 2020.

Certificate of Conference

I hereby certify counsel for Plaintiff conferred with counsel for the Fisher Defendants and counsel for Neuhaus & Sons, LLC, who indicated they are **NOT OPPOSED** to the relief sought herein.

Conclusion

For the foregoing reasons, Plaintiff United States of America respectfully request that experts Dr. Padinare Unnikrishna be allowed to participate in the Hearing on January 9, 2020, telephonically.

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Respectfully submitted,

RYAN K. PATRICK

United States Attorney Southern District of Texas **DANIEL DAVID HU** Chief, Civil Division

By: **§ E. Paxton Warner**

E. PAXTON WARNER

Assistant United States Attorney Southern District of Texas No. 555957 Texas Bar No. 24003139 1701 W. Bus. Highway 83, Suite 600 McAllen, TX 78501

Telephone: (956) 618-8010 Facsimile: (956) 618-8016

E-mail: Paxton.Warner@usdoj.gov

Attorney in Charge for the United States of America

And

JOHN A. SMITH, III

Assistant United States Attorney Southern District of Texas No. 8638 Texas Bar No. 18627450 One Shoreline Plaza 800 North Shoreline Blvd., Suite 500 Corpus Christi, Texas 78401 Telephone: (361) 888-3111

Facsimile: (361) 888-3234 E-mail: john.a.smith@usdoj.gov

Attorney for the United States of America

CERTIFICATE OF SERVICE

I, E. Paxton Warner, Assistant United States Attorney for the Southern District of Texas, hereby certify that on January 8, 2020, I served the foregoing using the Court's ECF notification system on all parties receiving ECF notice in this case.

By: **s/E. Paxton Warner**

E. PAXTON WARNER

Assistant United States Attorney